

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DAVID TYRONE HILL,
Plaintiff,

Case No. 1:12-cv-063
Weber, J.
Litkovitz, M.J.

vs.

WARDEN SOUTHERN OHIO
CORRECTIONAL FACILITY,
Defendant.

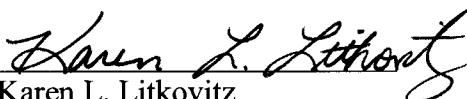
**REPORT AND
RECOMMENDATION**

On April 27, 2012, defendant filed a motion to dismiss the within action for failure to state a claim for relief. (Doc. 16). Plaintiff was notified that his failure to file a memorandum in response to the motion may warrant dismissal of this case for failure to prosecute under Fed. R. Civ. P. 41(b). (Doc. 17). Plaintiff requested an extension of time to respond to the motion (Doc. 19), and on January 15, 2013, the Court granted plaintiff an extension of time until February 7, 2013, to file a response to defendant's motion to dismiss. (Doc. 22). To date, plaintiff has not filed a memorandum in response to the motion.

Plaintiff's failure to file a response to defendant's motion warrants dismissal of this case pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. *See Jourdan v. Jabe*, 951 F.2d 108, 109-10 (6th Cir. 1991). District courts have this power to dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan*, 951 F.2d at 109.

IT IS THEREFORE RECOMMENDED that plaintiff's case be **DISMISSED** with prejudice for lack of prosecution and this matter be terminated on the docket of the Court.

Date: 2/19/13


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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